

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

State Automobile Insurance Company

DEFENDANTS

SEE ATTACHED SHEET

(b) County of Residence of First Listed Plaintiff Franklin County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Bucks County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Charles J. Daly Attorneys (If Known)
1155 Business Cntr. Dr. Ste. 160
Horsham, PA 19044 215-443-8901

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Diversity of Citizenship, 28 U.S.C.A. 1332; 28 U.S.C.A. 2201

Brief description of cause:

an insurance contract

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/23/2011

SIGNATURE OF ATTORNEY OF RECORD

Charles J. Daly

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DEFENDANTS

RALPH ANGELLILLI

33 Old Brook Road

Levittown, PA 19057

DAVID BLATT and

CLAIRE BLATT, h/w

Broadview Farm

P.O. Box 22

Pineville, PA 18946

ROBERT BLATT

713 Timber Lane

Langhorne, PA 19047

WILLIAM ENTENMAN and

ALANA ENTENMAN, h/w

457 Trappe Lane

Langhorne, PA 19047

DENISE HURSEY and

JEFF HURSEY, w/h

33 Grubb Road

Pottstown, PA 19465

NANCY JERDAN and

WARREN JERDAN, w/h

Sharbat Lake

Ontario, Canada KOH2PO

PATRICIA STAUB and

RAYMOND STAUB, w/h

50 Orangewood Drive

Levittown, PA 19037

DENISE HOLZER

2247 Glenview Street

Philadelphia, PA 19149

KENNETH SARANCZAK

2247 Glenview Street

Philadelphia, PA 19149

LORRAINE FLYNN LAURELLI and

VINCENT LAURELLI, w/h

1063 Claire Avenue

Huntingdon Valley, PA 19006

MILDRED FLYNN

36 E. Moreland Avenue, Apartment 704

Hatboro, PA 19040

HARRY FLYNN

40 River Lane

Thorofare, NJ 08086

ANTHONY FLYNN

and SUSAN FLYNN, h/w

3820 Lukens Lane

Hatboro, PA 19040

GERALDINE FLYNN DONATELLI

And MICHAEL DONATELLI, w/h

808 Geranium Drive

Warrington, PA 18976

DANIEL OPREA and

MARY ROSE OPREA, h/w

54 Beechwood Drive

Huntingdon Valley, PA 19006

ROBERT SAMANNS

and STEPHANIE SAMANNS, h/w

48 Fischer Avenue

Franklinville, NJ 08322

JAN SCHAMING and

DAVID SCHAMING, w/h

27 Iris Road

Levittown, PA

HARRY MALLOCH, III

27 Iris Road

Levittown, PA

TAMI SIMMS

4925 N. 17th Street

Philadelphia, PA 19141

WAYNE BROWN

17 Bartlett Lane

Willingboro, NJ 08046

KEVIN BROWNE

6215 N. Fairhill Street

Philadelphia, PA 19126

EDWARD WALTERS

2117 Larve Street

Philadelphia, PA 19124

WALTER MOTTERSHEAD, JR.

2117 Larve Street

Philadelphia, PA 19124

MARY MOTTERSHEAD

2117 Larve Street

Philadelphia, PA 19124

ADELAIDE GOSNER and

RICHARD GOSNER, w/h

1634 Unity Street

Philadelphia, PA 19124

ELIZABETH MOTTERSHEAD

1035 Keerwyn Street

Philadelphia, PA 19124

EILEEN WALTERS

2406 Coral Street

Philadelphia, PA 19124

LYNN DOBBERTEEN

and JOHN DOBBERTEN, w/h

400 South Monroe Street

Sturgis, Michigan 49091

JEAN FINNEY and

SCOTT FINNEY, w/h

1141 Gail Lane

Sleepy Hollow, IL 60118

BRENDA FAULK

648 N. Franklin Street

Philadelphia, PA 19123

VERONICA JENKINS

and WADE JENKINS, w/h

7346 Buist Avenue

Philadelphia, PA 19153

NANCY GIBSON

3402 Sheffield Avenue

Philadelphia, PA 19149

ALBERT LONG

2734 Swarts Street

Chester, PA 19013

SIARRA MICHELLE UPCHURCH

5717 Stewart Street

Philadelphia, PA 19131

RYAN WALSH

427 Watergate

Maple Shade, NJ 08052

CHARLENE WILLIAMS

312 Bortree Road

Moscow, PA 18444

MARTHA WILSON

2017 W. Montgomery Avenue

Philadelphia, PA 19121

NANCY WILSON

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JAMES WILSON

3126 N. Patton Street

Philadelphia, PA 19121

SARAH YOUNG-BEY

1841 N. 20th Street, Apt. B

Philadelphia, PA 19121

ERNEST STUARD and

MARY ANN STUARD, h/w

2524 Judith Street

Bethlehem, PA 18020

BARBARA O'CONNOR

2755 Watervale Drive

Sparks, Nevada 89436

MARY MORRIS and

CHARLES MORRIS, w.h

5044 El Destino Drive

Leesburg, FL 34748

GERALD J. GARZONE

D/B/A GARZONE FUNERAL HOME

4149-51 L Street

Philadelphia, PA 19124

GERALD J. GARZONE

Inmate # HU3455

Alden, NY 14004

JOSEPH NICELLI

Auburn Correctional facility

Inmate #09A1610

P.O. Box 618

Auburn, NY 13021

LEE CRUCETA

Inmate mail PO Box F

Downstate Correctional Facility

122 Red Schoolhouse Road

Fishkill, NY 12524

CHRISTOPHER ALDORSAI

Inmate #08A3508

Attica Correctional Facility

Exchange Street

Attica, NY 14011

KEVIN VICKERS

8493 Sherbrooke Street

Honeoye, NY 14471

BIOMEDICAL TISSUE SERVICES, LTD.

2125 Center Avenue, Suite 300

Ft. Lee, NJ 07024

REGENERATION TECHNOLOGIES, INC.

11621 Research Circle

Alachua, FL 32615

ASSOCIATED NATIONAL CREMATION SERVICES,

a/k/a ELLIS-STIEFFEL FUNERAL HOME

301 Highland Avenue, Westville, NJ 08093

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY
518 East Broad Street
Columbus, OH 53215

No.:

VS.

RALPH ANGELLILLI
33 Old Brook Road
Levittown, PA 19057

DAVID BLATT and
CLAIRE BLATT, h/w
Broadview Farm
P.O. Box 22
Pineville, PA 18946

ROBERT BLATT
713 Timber Lane
Langhorne, PA 19047

WILLIAM ENTENMAN and
ALANA ENTENMAN, h/w
457 Trappe Lane
Langhorne, PA 19047

DENISE HURSEY and
JEFF HURSEY, w/h
33 Grubb Road
Pottstown, PA 19465

NANCY JERDAN and
WARREN JERDAN, w/h
Sharbat Lake
Ontario, Canada KOH2PO

PATRICIA STAUB and
RAYMOND STAUB, w/h
50 Orangewood Drive
Levittown, PA 19037

DENISE HOLZER
2247 Glenview Street
Philadelphia, PA 19149

KENNETH SARANCZAK
2247 Glenview Street
Philadelphia, PA 19149

LORRAINE FLYNN LAURELLI and
VINCENT LAURELLI, w/h
1063 Claire Avenue
Huntingdon Valley, PA 19006

MILDRED FLYNN
36 E. Moreland Avenue, Apartment 704
Hatboro, PA 19040

HARRY FLYNN
40 River Lane
Thorofare, NJ 08086

ANTHONY FLYNN
and SUSAN FLYNN, h/w
3820 Lukens Lane
Hatboro, PA 19040

GERALDINE FLYNN DONATELLI
And MICHAEL DONATELLI, w/h
808 Geranium Drive
Warrington, PA 18976

DANIEL OPREA and
MARY ROSE OPREA, h/w
54 Beechwood Drive
Huntingdon Valley, PA 19006

ROBERT SAMANNS
and STEPHANIE SAMANNS, h/w
48 Fischer Avenue
Franklinville, NJ 08322

JAN SCHAMING and
DAVID SCHAMING, w/h
27 Iris Road
Levittown, PA

HARRY MALLOCH, III
27 Iris Road
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TAMI SIMMS
4925 N. 17th Street
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WAYNE BROWN
17 Bartlett Lane
Willingboro, NJ 08046

KEVIN BROWNE
6215 N. Fairhill Street
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RICHARD GOSNER, w/h
1634 Unity Street
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ELIZABETH MOTTERSHEAD
1035 Keerwyn Street
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EILEEN WALTERS
2406 Coral Street
Philadelphia, PA 19124

LYNN DOBBERTEEN
and JOHN DOBBERTEEN, w/h
400 South Monroe Street
Sturgis, Michigan 49091

JEAN FINNEY and
SCOTT FINNEY, w/h
1141 Gail Lane
Sleepy Hollow, IL 60118

BRENDA FAULK
648 N. Franklin Street
Philadelphia, PA 19123

VERONICA JENKINS
and WADE JENKINS, w/h
7346 Buist Avenue
Philadelphia, PA 19153

NANCY GIBSON
3402 Sheffield Avenue
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ALBERT LONG
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SIARRA MICHELLE UPCHURCH
5717 Stewart Street
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RYAN WALSH
427 Watergate
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SARAH YOUNG-BEY
1841 N. 20th Street, Apt. B
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ERNEST STUARD and
MARY ANN STUARD, h/w
2524 Judith Street
Bethlehem, PA 18020

BARBARA O'CONNOR
2755 Watervale Drive
Sparks, Nevada 89436

MARY MORRIS and
CHARLES MORRIS, w.h
5044 El Destino Drive
Leesburg, FL 34748

GERALD J. GARZONE
D/B/A GARZONE FUNERAL HOME
4149-51 L Street
Philadelphia, PA 19124

GERALD J. GARZONE
Inmate # HU3455
SCI Retreat
660 State Route 11
Hunlock Creek, PA 18621

LOUIS H. GARZONE
Inmate # HU3466
SCI Retreat
660 State Route 11
Hunlock Creek, PA 18621

JAMES A. MCCAFFERTY
Inmate #HW1321
SCI Mahanoy
301 Morea Road
Frackville, PA 17932

LIBERTY CREMATION, INC.
2778 Ruth Street
Philadelphia, PA 19134

MICHAEL MASTROMARINO
Wende Correctional Facility
3040 Wende Road
Inmate # 08A3728
Alden, NY 14004

JOSEPH NICELLI
Auburn Correctional facility
Inmate #09A1610
P.O. Box 618
Auburn, NY 13021

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ASSOCIATED NATIONAL CREMATION SERVICES,
a/k/a ELLIS-STIEFFEL FUNERAL HOME
301 Highland Avenue, Westville, NJ 08093

COMPLAINT FOR DECLARATORY RELIEF

Plaintiff, State Automobile Mutual Insurance Company, hereby brings this Complaint for Declaratory Relief and avers as follows:

PARTIES

1. State Automobile Mutual Insurance Company is a corporation organized and existing under the State of Ohio with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 53215.
2. Defendant, Ralph Angellilli, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address of 33 Old Brook Road, Levittown, PA 19057.
3. Defendants, David Blatt and Claire Blatt, h/w, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at Broadview Farm, P.O. Box 22, Pineville, PA 18946.
4. Defendant, Robert Blatt, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 713 Timber Lane, Langhorne, PA 19047.
5. Defendants, William Entenman and Alana Entenman, h/w, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 457 Trappe Lane, Langhorne, PA 19047.
6. Defendants, Denise Hursey and Jeff Hursey, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 33 Grubb Road, Pottstown, PA 19465.

7. Defendants, Nancy Jerdan and Warren Jerdan, w/h, are adult individuals who are citizens and residents of the Commonwealth of Canada with an address at Sharbat Lake Ontario, Canada KOH2PO.

8. Defendants, Patricia Staub and Raymond Staub , w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 50 Orangewood Drive, Levittown, PA 19037.

9. Defendant, Denise Holzer, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2247 Glenview Street, Philadelphia, PA 19149

10. Defendant, Kenneth Saranczak, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2247 Glenview Street, Philadelphia, PA 19149.

11. Defendants, Lorraine Flynn Laurelli and Vincent Laurelli, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 808 Geranium Drive, Warrington, PA 18976.

12. Defendant, Mildred Flynn, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 36 E. Moreland Avenue, Apartment 704, Hatboro, PA 19040.

13. Defendant, Harry Flynn, is an adult individual who is a citizen and resident of the State of New Jersey, with an address at 40 River Lane, Thorofare, NJ 08086.

14. Defendants, Anthony Flynn and Susan Flynn, h/w, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 3820 Lukens Lane, Hatboro, PA 19040.

15. Defendants, Geraldine Flynn Donatelli and Michael Donatelli, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 808 Geranium Drive, Warrington, PA 18976.

16. Defendants, Daniel Oprea and Mary Rose Oprea, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 54 Beechwood Drive, Huntingdon Valley, PA 19006.

17. Defendants, Robert Samanns and Stephanie Samanns, w/h, are adult individuals who are citizens and residents of the State of New Jersey, with an address at 48 Fischer Avenue, Franklinville, NJ 08322.

18. Defendants, Jan Schaming and David Schaming, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 27 Iris Road, Levittown, PA.

19. Defendant, Harry Malloch, III, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 27 Iris Road Levittown, PA.

20. Defendant, Tami Simms, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 4925 N. 17th Street, Philadelphia, PA.

21. Defendant, Wayne Brown, is an adult individual who is a citizen and resident of the State of New Jersey, with an address at 17 Bartlett Lane, Willingboro, NJ 08046.

22. Defendant, Kevin Brown, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 6215 N. Fairhill Street, Philadelphia, PA 19126.

23. Defendant, Edward Walters, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2117 Larve Street, Philadelphia, PA 19124.

24. Defendant, Walter Mottershead, Jr., is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2117 Larve Street, Philadelphia, PA 19124.

25. Defendant, Mary Mottershead, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2117 Larve Street, Philadelphia, PA 19124.

26. Defendant, Elizabeth Mottershead, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 1035 Keerwyn Street, Philadelphia, PA 19124.

27. Defendants, Adelaide Gosner and Richard Gosner, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 1634 Unity Street, Philadelphia, PA 19124.

28. Defendant, Eileen Walters, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2406 Coral Street, Philadelphia, PA 19124.

29. Defendants, Lynn Dobberteen and John Dobberteen, w/h, are adult individuals who are citizens and residents of the State of Michigan, with an address at 400 South Monroe Street, Sturgis, Michigan 49091.

30. Defendant, Brenda Faulk, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 648 N. Franklin Place, Philadelphia, PA 19123.

31. Defendants, Jean Finney and Scott Finney, w/h, are adult individuals who are citizens and residents of the State of Illinois, with an address at 1141 Gail Lane, Sleepy Hollow, IL 60118.

32. Defendants, Veronica Jenkins and Wade Jenkins, w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 7346 Buist Avenue, Philadelphia, PA 19153.

33. Defendant, Nancy Gibson, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 3402 Sheffield Avenue, Philadelphia, PA 19149.

34. Defendant, Albert Long, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2734 Swarts Street, Chester, PA 19013.

35. Defendant, Siarra Michelle Upchurch, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 5717 Stewart Street, Philadelphia, PA 19131.

36. Defendant, Ryan Walsh, is an adult individual who is a citizen and resident of the State of New Jersey, with an address at 427 Watergate, Maple Shade, NJ 08052.

37. Defendant, Charlene Williams, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 312 Bortree Road, Moscow, PA 18444.

38. Defendant, Martha Wilson, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2017 W. Montgomery Avenue, Philadelphia, PA 19121.

39. Defendant, Nancy Wilson, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 2017 W. Montgomery Avenue, Philadelphia, PA 19121.

40. Defendant, James Wilson, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 3126 N. Patton Street, Philadelphia, PA 19121.

41. Defendant, Sarah Young-Bey, is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania, with an address at 1841 N. 20th Street, Apt. B, Philadelphia, PA 19121.

42. Defendants, Ernest Stuard and Mary Ann Stuard , w/h, are adult individuals who are citizens and residents of the Commonwealth of Pennsylvania, with an address at 2524 Judith Street, Bethlehem, PA 18020.

43. Defendant, Barbara O'Connor, is an adult individual who is a citizen and resident of the State of Nevada, with an address at 2755 Watervale Drive, Sparks, Nevada 89436.

44. Defendants, Mary Morris and Charles Morris, w/h, are adult individual who are citizens and residents of the State of Florida, with an address at 5044 El Destino Drive, Leesburg, FL 34748.

45. Defendant, Garzone Funeral Home, is a sole proprietorship owned and operated by Gerald Garzone with its principal place of business at 4149-51 L Street, Philadelphia, PA 19124.

46. Defendant, Gerald Garzone, is an adult individual who owned, operated, and did business as Garzone Funeral Home. At times relevant hereto, Mr. Garzone resided at 4149-51 L Street, Philadelphia, PA 19124. It is believed and averred that Gerald Garzone is currently an inmate at the State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621. Gerald Garzone is a resident and citizen of the Commonwealth of Pennsylvania.

47. Defendant, Louis H. Garzone, is an adult individual who is an officer, director and/or principal shareholder of Defendant Liberty Cremation, Inc. It is believed and averred that Louis Garzone is currently an inmate at the State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621. Louis Garzone is a resident and citizen of the Commonwealth of Pennsylvania.

48. Defendant, James McCafferty, is an adult individual who, at times relevant hereto, resided at 2778 Ruth Street, Philadelphia, PA. It is believed and averred that James McCafferty is currently an inmate at the State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932. James McCafferty is a resident and citizen of the Commonwealth of Pennsylvania.

49. Defendant, Liberty Cremation, Inc., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business at 2778 Ruth Street, Philadelphia, PA 19134.

50. Defendant, Michael Mastromarino, is an adult individual who, at all times relevant hereto, resided in the State of New York. It is believed and averred that Michal Mastromarino is currently Inmate # 08A3728 at the Wende Correctional Facility, 3040

Wende Road, Alden, NY 14004. Michael Mastromarino is a resident and citizen of the State of New York.

51. Defendant, Joseph Nicelli, is an adult individual who, at all times relevant hereto, resided in the State of New York. It is believed and averred that Joseph Nicelli is currently Inmate #09A1610, Auburn Correctional Facility, P.O. Box 618, Auburn, NY 13021. Joseph Nicelli is a resident and citizen of the State of New York.

52. Defendant, Lee Cruceta, is an adult individual who, at all times relevant hereto, resided in the State of New York. It is believed and averred that Lee Cruceta is currently an inmate at Downstate Correctional Facility, 122 Red Schoolhouse Road, Fishkill, NY 12524. Lee Cruceta is a resident and citizen of the State of New York.

53. Defendant Christopher Aldorsai is an adult individual who, at all times relevant hereto, resided in the State of New York. It is believed and averred that Christopher Aldorsai is currently Inmate #08A3508, Attica Correctional Facility, Exchange Street, Attica, NY 14011. Christopher Aldorsai is a resident and citizen of the State of New York.

54. Defendant, Kevin Vickers, is an adult individual is an adult individual who, at all times relevant hereto, resided in the State of New York, and whose last known address is 8493 Sherbrooke Street, Honeoye, NY 14471. Kevin Vickers is a resident and citizen of the State of New York.

JURISDICTION

55. Jurisdiction of this action is based upon diversity of citizenship pursuant to 28 U.S.C.A. Section 1332, as Plaintiff and Defendants are citizens and residents of different

states, and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

STATEMENT OF FACTS

56. State Auto Mutual Insurance Company issued policy BOP 7523949-05 to Gerald Garzone, d/b/a Garzone Funeral Home, with a policy period from December 15, 2004 through December 15, 2005. The policy was not renewed thereafter. A true and correct copy of the policy of insurance is attached hereto as Exhibit "A".

57. The individuals identified in Paragraphs Two through Forty-Four, above, have brought civil actions against Gerald Garzone, individually, Garzone Funeral Home, and the individuals and entities identified in Paragraphs Forty-Seven through Fifty-Four, above, in the Court of Common Pleas of Philadelphia County, which have been consolidated for the purpose of discovery under Carter v. Biomedical services, et al, No. 071002538. True and correct copies of the aforementioned Complaints are attached hereto as Exhibits B through Exhibit V.

58. State Auto Mutual Insurance Company seeks a declaration that it has no duty under Policy BOP 7523949-05 to either defend or indemnify Gerald Garzone, individually, or d/b/a Garzone Funeral Home from and against the claims brought by the individuals identified in Paragraphs Two through Forty-Four in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania.

GROUND FOR DECLARATORY RELIEF

59. The Complaints attached hereto as Exhibit B through Exhibit V do not allege an "occurrence" or "accident" for which there would arise either a duty to defend or

indemnify Gerald Garzone, individually, or d/b/a Garzone Funeral Home under Policy BOP 7523949-05.

60. The Complaints aver, generally, that Gerald Garzone caused the Plaintiffs' injuries as a result of participation in various criminal acts. On September 2, 2008, Gerald Garzone pled guilty to multiple criminal charges brought as a result of these various criminal acts, including corrupt organizations, criminal conspiracy, 244 counts of theft by unlawful taking (theft of body parts), abuse of corpse, and recklessly endangering another person in connection with his participation in the illegal harvesting and sale of human body parts from corpses, as well as filing false forms seeking reimbursement from the government for providing funeral services for which he had already been paid. On October 22, 2009, Gerald Garzone was sentenced to an aggregate term of imprisonment of eight to twenty years, and was ordered to pay restitution to the victims. The language of the policy excludes coverage for injury arising out of any criminal act committed by the insured.

61. The Complaints aver, generally, that Gerald Garzone caused the Plaintiffs' injuries as a result of participation in various criminal acts. On September 2, 2008, Gerald Garzone pled guilty to multiple criminal charges brought as a result of these various criminal acts, including corrupt organizations, criminal conspiracy, 244 counts of theft by unlawful taking (theft of body parts), abuse of corpse, and recklessly endangering another person in connection with his participation in the illegal harvesting and sale of human body parts from corpses, as well as filing false forms seeking reimbursement from the government for providing funeral services for which he had already been paid. On October 22, 2009, Gerald Garzone was sentenced to an aggregate term of imprisonment

of eight to twenty years, and was ordered to pay restitution to the victims. The public policy of Pennsylvania bars insurance coverage for injuries arising out of any criminal act committed by the insured.

62. The Complaints aver that the Plaintiffs were caused to suffer emotional injuries, only, by the criminal acts of Gerald Garzone, individually, and d/b/a Garzone Funeral Home. The policy of insurance provides for defense and indemnification of covered claims for "bodily injury" and "property damage". The Complaints do not seek damages for "bodily injury" and/or "property damage".

63. The Complaints allege that the Plaintiffs were caused to suffer emotional injuries, by the criminal acts of Gerald Garzone, individually, and d/b/a Garzone Funeral Home.

The Complaints allege facts sufficient to demonstrate that Gerald Garzone expected that the Plaintiffs, in their position of next-of-kin, would be injured. The policy excludes coverage for "bodily injury" or "property damage" expected or intended from the standpoint of the insured.

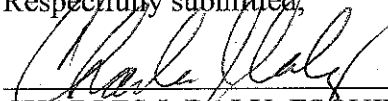
64. The damages sought by Plaintiffs did not arise during the coverage period or within the coverage territory, and, therefore, are not covered items of damages as to which State Auto Mutual Insurance Company owes a duty under Policy BOP 7523949-05 to defend or indemnify Gerald Garzone, d/b/a Garzone Funeral Home.

65. The civil actions brought by Brenda Faulk, Nancy Gibson, Veronica Jenkins, Albert Long, Daniel and Rose Opera, Robert Samaans and Stephanie, Jan Schaming and David Schaming, Tammi Simms, and Sarah Upchurch identify Gerald Garzone in his capacity as co-owner of Liberty Cremation, Inc., and not in his capacity as a funeral

director for "Garzone Funeral Home". State Auto Mutual Insurance Company does not insure Liberty Cremation, Inc.

WHEREFORE, State Automobile Mutual Insurance Company requests this Honorable Court enter judgment in its favor and declare that State Automobile Mutual Insurance Company does not owe a duty under Policy BOP 7523949-05 to either defend or indemnify Gerald Garzone, individually, or d/b/a Garzone Funeral Home, from and against the claims made by the individuals identified in Paragraphs Two through Forty-Four, above, in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania.

Respectfully submitted,



CHARLES J. DALY, ESQUIRE

1155 Business Center Drive

Suite 160

Horsham, Pennsylvania 19044

215-443-8901

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY
518 East Broad Street
Columbus, OH 53215

No.:

VS.

GERALD J. GARZONE
D/B/A GARZONE FUNERAL HOME
4149-51 L Street
Philadelphia, PA 19124


And

GERALD J. GARZONE
Inmate # HU3455
SCI Retreat
660 State Route 11
Hunlock Creek, PA 18621,

Et Al

VERIFICATION

I, Charles J. Daly, Esquire, am the attorney of record for State Automobile Mutual Insurance Company and I am authorized to make this Verification on its behalf. I have read the foregoing Complaint for Declaratory Relief, and the facts set forth therein are true and correct to the best of my knowledge and belief.



CHARLES J. DALY, ESQUIRE